

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>Joseph O'Brien and Tamara O'Brien, Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Liberty Mutual Insurance, Defendant.</p>	<p>CIVIL ACTION</p> <p>NO. 21-cv-01234-MMB</p>
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O R D E R

AND NOW, this 28th day of July, 2021, upon consideration of Defendant's Partial Motion to Dismiss (ECF 5), Plaintiffs' Opposition (ECF 8), and Defendant's Reply (ECF 9), and for the reasons given in the accompanying memorandum, it is hereby **ORDERED** that (1) Plaintiffs' Count II is DISMISSED without prejudice and with leave to amend within fourteen days and (2) Plaintiffs' request for attorney's fees in connection with Count I is DISMISSED with prejudice as unopposed.

BY THE COURT:

s/ Mihcael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.